

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIDEOTAPED DEPOSITION OF MICHAEL HOUSLEY

NEW YORK, NEW YORK

FRIDAY, OCTOBER 3, 2008

BY: REBECCA SCHAUMLOFFEL, RPR, CLR

JOB NO. 15906

DAVID FELDMAN WORLDWIDE, INC.
805 Third Avenue, New York, New York 10022 (212) 705-8585

1
2 OCTOBER 3, 2008
3
4
5

6 MICHAEL HOUSLEY, taken at the offices of
7 WILSON, SONSINI, GOODRICH & ROSATI, 1301
8 Avenue of the Americas, New York, New
9 York, pursuant to notice, before REBECCA
10 SCHAUMLOFFEL, CLR, RPR.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DAVID FELDMAN WORLDWIDE, INC.

805 Third Avenue, New York, New York 10022 (212) 705-8585

1
2 APPARENCES:
3

4 FOR THE PLAINTIFFS VIACOM
5 INTERNATIONAL, INC.:
6

7 JENNER & BLOCK
8

9 By: SUSAN H. KOHLMANN, ESQ.
10 919 Third Avenue, 37th Floor
11 New York, New York 10022
12 (212) 891-1690
13 skohlmann@jenner.com
14

15 FOR THE DEFENDANTS YOUTUBE, INC.,
16 YOUTUBE, LLC and GOOGLE, INC.:
17

18 WILSON SONSINI GOODRICH & ROSATI
19 By: MICHAEL H. RUBIN, ESQ.
20 650 Page Mill Road
21 Palo Alto, California 94304
22 (650) 849-3311
23 mrubin@wsgr.com
24

25
DAVID FELDMAN WORLDWIDE, INC.
805 Third Avenue, New York, New York 10022 (212) 705-8585

1
2
3 FOR THE DEFENDANTS YOUTUBE, INC.,

4 YOUTUBE, LLC and GOOGLE, INC.:

5 MAYER BROWN LLP

6 By: JOHN MANCINI, ESQ.

7 1675 Broadway

8 New York, New York 10019

9 (212) 506-2295

10 jmancini@mayerbrown.com

11
12
13 ALSO PRESENT:

14
15 MANUEL ABREU, Videographer

16
17 -----oo-----
18
19
20
21
22
23
24
25

DAVID FELDMAN WORLDWIDE, INC.

805 Third Avenue, New York, New York 10022 (212) 705-8585

1
2 FEDERAL STIPULATIONS
3
4

5 IT IS HEREBY STIPULATED AND
6 AGREED by and between the attorneys for
7 the respective parties herein, that
8 filing and sealing be and the same are
9 hereby waived.

10
11 IT IS FURTHER STIPULATED AND
12 AGREED that all objections, except as to
13 the form of the question, shall be
14 reserved to the time of the trial.

15
16 IT IS FURTHER STIPULATED AND
17 AGREED that the within deposition may be
18 sworn to and signed before any officer
19 authorized to administer an oath, with
20 the same force and effect as if signed
21 and sworn to before the Court.

1
2
3 THE VIDEOGRAPHER: This is
4 tape number one of the videotape
5 deposition of Michael Housley in
6 the matter Viacom International,
7 Inc., et al. versus YouTube Inc.,
8 YouTube, LLC, and Google, Inc.
9 This deposition is being held at
10 1301 Avenue of the Americas, New
11 York, on October 3, 2008 at
12 approximately 10:00 a.m.

13 My name is Manuel Abreu from
14 the firm of David Feldman
15 Worldwide, and I am the legal
16 video specialist. The court
17 reporter is Rebecca Schaumloffel
18 in association with David Feldman
19 Worldwide. Will counsel please
20 introduce themselves:

21 MR. RUBIN: Michael Rubin
22 from Wilson, Sonsini, Goodrich &
23 Rosati for defendants YouTube and
24 Google Incorporated.

25 MR. MANCINI: John Mancini,

DAVID FELDMAN WORLDWIDE, INC.
805 Third Avenue, New York, New York 10022 (212) 705-8585

1 HOUSLEY

2 Mayer Brown, counsel for
3 defendants.

4 MS. KOHLMANN: Susan
5 Kohlmann, Jenner & Block, counsel
6 for plaintiffs.

7 THE VIDEOGRAPHER: Will the
8 court reporter please swear in the
9 witness.

10 M I C H A E L H O U S L E Y, called
11 as a witness, having been first duly
12 sworn by a Notary Public of the State
13 of New York, was examined and testified
14 as follows:

15 Q. Good morning, Mr. Housley.

16 A. Good morning.

17 Q. Would you please state your
18 name and address for the record?

19 A. My name is Michael Housley.
20 Address is 120 Remsen Street, apartment
21 4A, Brooklyn, New York 11201.

22 Q. I want to go over some basic
23 guidelines for how we are going to
24 conduct the deposition today. First of
25 all, if you don't hear a question that

1 HOUSLEY

2 record.

3 Q. Mr. Housley, before we took
4 a break, I had asked you, in connection
5 with a conversation we were having
6 about the clip review project for which
7 you were hired initially at Viacom, how
8 you went about locating the clips in
9 connection with your review on the
10 YouTube service.

11 A. The process --

12 MS. KOHLMANN: Excuse me,
13 just so the record is clear, maybe
14 I am not clear, just what is the
15 question pending? I don't think
16 you asked a question.

17 MR. RUBIN: I hadn't gotten
18 there yet.

19 Q. So let me state a very
20 succinct question.

21 A. Sure.

22 Q. In connection with review of
23 the clips on the YouTube service, how
24 did you locate the clips to review?

25 MS. KOHLMANN: I would just

DAVID FELDMAN WORLDWIDE, INC.

805 Third Avenue, New York, New York 10022 (212) 705-8585

1 HOUSLEY

2 caution Mr. Housley to testify, in
3 answering that question, to be
4 sure not to disclose
5 attorney/client privilege
6 information. You can answer.

7 A. Using tag or keyword
8 searching.

9 Q. What were the keywords?

10 MS. KOHLMANN: Objection to
11 the extent it calls for
12 attorney/client privilege
13 information.

14 A. I can't answer that.

15 Q. Were you told what the
16 keywords were or did you devise the
17 keywords yourself?

18 MS. KOHLMANN: Objection to
19 the extent it calls for
20 attorney/client privilege
21 information. If you can answer,
22 go ahead.

23 A. Don't remember.

24 Q. Once you found a clip in
25 response to a keyword search, what did

DAVID FELDMAN WORLDWIDE, INC.

805 Third Avenue, New York, New York 10022 (212) 705-8585